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Our Overseas Bases the Key Issue in the Arms Deadlock

In assessing the world situation in the wake of the arms conference breakdown, some basic observations may be helpful. The first is that disarmament conferences historically have been exercises in futility and chicanery; this was true before the First World War and before the Second; in negotiations between the Powers before Communism, and in the rivalry of the 20's between the Western powers when Soviet Russia was still cordoned off and Germany still weak. The power of the military bureaucracies, buttressed by the industries which benefited from the arms race, was steadily applied, and proved overwhelming against the efforts of an outnumbered handful of the thoughtful, fitfully supported by the occasional anxieties of the masses.

Procrastination, Not Negotiation

It may be difficult to determine Russian policy in the current juncture but it is easy to see what our own policy is. When Mr. Khrushchov told the military academy in Moscow last Tuesday in explaining the Geneva walkout, that there were "no negotiations at all, only procrastination," he was pretty accurately describing the attitude the U.S. has taken toward disarmament since the death of Stalin in 1953. It is only necessary to recall that when our own allies came here last March for the preliminary talks before the Geneva conference from which the Soviet delegates have just walked out, "they were visibly unhappy because the U.S. government was not yet ready to present a position." The quotation is from a study released last Monday by the National Planning Association on the "perilously casual" way in which our government has prepared for disarmament conferences. A nation as rich in managerial skills and scientific talents as ours does not treat so casually any enterprise in which it is really interested.

Our government has had the greatest difficulty in arriving at a disarmament program because its multitude of interagency committees has had to reconcile the deep animosity of Pentagon and AEC to disarmament of any kind with the tepid desire of the State Department not to be left nakedly without any proposals at all. The result has been a series of elaborate but tricky "packages" combining a maximum of inspection with a minimum of disarmament. This effort to get something for nothing has understandably made the Russians doubt our sincerity. Even now, when voices are beginning to be heard here for the establishment of "arms control institutes" and "peace agencies," the argument too frequently emphasizes not the need to make progress on disarmament but to enable us more skilfully to hold up our end propaganda-wise in negotiations envisaged as lasting indefinitely. The feeble rehash Mr. Eaton promised Mr. Zorin to have ready "in a few days" just before the latter walked out is very much in the pattern of our past "packages." The Russians would be required to open their bases for inspection first, on the promise of some unspecified arms reduction later, with more general disarmament left to a millenium reachable only over a road rich in hidden escape routes.

Unheeded Warning on Japan

"I say most respectfully that we shall only have buried our heads in the sand if we blithely go forward in the ratification of this treaty on the basis of the assumption that all is well in U.S.-Japanese relations except our relations with Japanese Communists. . . . This treaty is but another structure in the containment policy. . . . Our containment policy in the long run will not work. When I say it will not work, I mean it will not win the peace. . . . Such a policy as this, based upon a bilateral relation between the U.S. and Japan will produce—what? It will produce a further strengthening of the arms race. . . . In future sessions of Congress proposals will be made to strengthen the military containment implications of the pending Japanese treaty. There may be those who think that we can continue that containment policy, with an ever growing increase in the nuclear armaments program, to produce permanent peace in the world. Those who think so . . . have never read the history I have read. . . . Armament races which last very long are armament races that end in war."

—Morse on the Japanese treaty, U.S. Senate June 21.

Bases Growing Obsolete Anyway

The key issue in the arms talks (which will resume before the United Nations in September), and perhaps the key issue in our foreign policy, revolves around the problem of bases. From their dramatic offer of May 10, 1955, to their latest at the abortive 10-nation talks in Geneva, the Russians have offered wide measures of inspection and protection against surprise attack in return for mutual withdrawal from foreign bases. Some years ago in the *Weekly* I suggested that both sides had much to gain from such a deal before their bargaining cards turned obsolete. Within a few years, satellites will breach many secrets within the Soviet Union and as for our forward bases they are already growing obsolete. With the development of the ICBM and the Polaris carrying submarine, foreign bases dwindle in importance. Their real function more and more is intelligence and cloak-and-dagger activity. The latest Russian offer to accept international inspection teams at rocket sites to enforce elimination of ICBM's in return for liquidation of foreign bases has much to recommend it. Unfortunately our military would rather see our bases liquidated, as they are slowly being liquidated, under political pressure and obsolescence

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Mansfield Debunks the Key Administration Alibi in A Thoughtful Senate Speech

Was the U-2 Flight Justified to "Prevent Another Pearl Harbor"?

"I cannot conceive of any American in his right senses answering anything other than 'no' to the question of whether or not we want another Pearl Harbor. The inference of the question is that the U-2 flight program was vital in preventing a catastrophic military attack on the security of this Nation.

"If the U-2 flights were 'vital' to prevent another Pearl Harbor then they should have been made. But, equally, they should have been made under the continuous scrutiny of the President and the coordinated scrutiny of members of his Cabinet. The facts in the public record show clearly, however, that while politically responsible officials knew generally of this program of U-2 flights control and timing of them was in the hands of various obscure employes.

Not That Important

"I can only assume, therefore, that while the flights were important, they were not regarded as really so important as to command the continuing attention of the politically responsible officials of the administration. That such may be the case is indicated by the suspension of the flights by the President and his assurance to Mr. Khrushchov that they would not be resumed.

"The fact is, Mr. President, that the security of this nation —any nation—in this uncertain and dangerous world is safeguarded not by any single factor but by many factors. These fall into two general categories: First, foreign policies, which act to reduce the dangers which confront us abroad; and second, the total capacity of the Nation for defense. These categories include far more than intelligence operations and far, far more than any single intelligence operation such as the U-2 program.

"It is in terms of all these elements that any reasonable evaluation of the U-2 program must be made, not in terms of the specter of a Pearl Harbor attack. Even as an intelligence operation, we must weigh the risks and cost of the U-2 flights against the availability from other sources of the kind of information which they produced.

"Much has been made of the fact that the U-2 flights obtained data on the location of Russian missile sites, submarine bases, and nuclear centers. But to illustrate that there are sources of information other than U-2 reconnaissance flights, even on such significant matters, even on countries which make a fetish of secrecy, I call to the attention of the Senate an article from the magazine *Missiles and Rockets.* It lists and pinpoints on a map 10 Soviet ICBM sites and 30 IRBM sites which were located from public sources in Europe and from technical journals. I also call the attention of the Senate to an article written by Harrison Salisbury in the *New York Times* September 30, 1954, and an article in the *Bulletin of the Atomic Scientists,* October 1959, written by Arnold Kranish. These articles reveal a great deal about certain Soviet atomic centers, and contain information on them which no aerial photography could possibly supply. I call to the attention of the Senate, 'Jane's Fighting Ships', which lists, with photographs, submarines of the Soviet Navy. Finally, I refer the Senate to the book 'The Soviet Navy' edited by Commander G. M. Saunders. On pages 161-63 there is a detailed table of the location and capacity of shipyards throughout the Soviet Union, specializing in naval work.

"Mr. President, I do not wish to leave the impression that I believe these publications are the equivalent in military value of the aerial films of Russia produced by the U-2 program. In some respects they may be more complete, more valuable; and in others less complete, less valuable. All I am trying to suggest is that while obviously we cannot ignore the importance of secret intelligence operations, we must recognize equally that they are not the only source and they are not necessarily always the best source of information.

Spy-A-Week Flights Over Russia?

"It is important that reconnaissance over Soviet Russia be resumed and that it be conducted continuously so that the picture of one week can be matched against the pictures of another week."

—"The U-2 Must Fly Again," interview with anonymous official, U.S. News and World Report, June 27.

"I feel impelled to take note of a point of view which is beginning to be heard to the effect that the U-2 flights must be resumed and that it was a great mistake ever to stop them. This is most clearly expressed in an interview in the June 27 issue of U.S. News and World Report with an anonymous source said to represent 'the viewpoint of important groups of officials in the military services of this country and in the Department of State.' . . . Short of the madness of preventive war, I can think of nothing more dangerous than to resume overflights of the Soviet Union."

—Fulbright Senate speech on Summit, June 28.

The Full Cost of the Operation

"On the basis of the public record we know that these flights produced information. We know that they produced this information at an enormous cost. And it is only in an information-to-cost ratio that they can be properly evaluated. I am talking now not of the monetary cost but of the full cost in terms of the total pattern of the foreign and defense policies by which we seek to safeguard our security.

"First, the collapse of the summit. Second, the intensification of anti-American sentiment, the cancellation of the President's visit, and the sprouting of the seeds of deep opposition in Japan to the Japanese-U.S. Security Treaty. Third, the shock at home and in many friendly nations that we were engaged in activities which, theretofore, many tended to associate almost wholly with Soviet behavior. Fourth, the embarrassment of certain nations allied with us and the institution by them of more stringent controls over our use of their defense facilities.

"Fifth, the intensification of the threat of war by accident or miscalculation, growing out of the order to Soviet military authorities to rocket the bases from which unauthorized planes might intrude. Sixth, the strengthening of the hand of hard-line Communists within the Soviet Union and the Communist bloc, notably the Chinese Communists, against those in Communist countries who might believe it possible to live at least without military conflict, if not harmony with us, on this globe grown so small. Seventh, the partial resumption of the cold war, rendering more difficult rational negotiation. Eighth, pressure on Congress for increased defense spending.

—Mansfield (D. Mont) U.S. Senate, June 23 (Abridged).

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Stewart Joins Liberal Bloc to Widen Safeguards Against Illegally Seized Evidence

No Danger to Negro Sit-Downers Seen in Golf Links Decision

Four cases in the field of civil liberties and racial equality were decided by the Supreme Court last Monday at its concluding session of the term.

One of them, *Wolfe v. North Carolina,* has we believe been wrongly interpreted by some newspapers as foreshadowing unfavorable outcomes in future appeals from criminal trespass convictions imposed on Negro sit-downers.

The circumstances of the North Carolina appeal, however, are of so unusual a character we do not believe they will constitute a precedent for sit-downs generally. The case really pivoted on the failure of counsel for the Negroes—through what they called "a quirk of inadvertence"— to include a crucial part of the trial transcript in the record on appeal.

Six Negroes had been convicted by a jury of criminal trespass on the Greensboro, N. C., municipal golf links and sentenced to 15 days in jail even though the Federal courts had already granted them an injunction against the barring of Negroes from those links. The trial judge refused to permit the Federal order and findings to be submitted in evidence but counsel neglected to include that in the record on appeal.

After argument in the U.S. Supreme Court, the State furnished a complete transcript showing the omitted proffer and ruling. Warren, Black, Douglas and Brennan dissenting thought the case should have been remanded on the basis of this transcript or the State law decided by the Supreme Court.

A Jehovah's Witness C. O.

The same four dissenters also tried to temper law with justice in the case of Raymond Gonzales, Jr., a Jehovah's Witness conscientious objector sentenced to 18 months in jail for refusal to be inducted into the armed services. Despite two favorable FBI reports, the Chief of the Conscientious Objector Section of the Justice Department seized on one item in his file to rule against his veracity. The dissenters argued that Mr. Gonzales was denied a full and fair hearing because he never had a chance orally to rebut this unfavorable ruling. Mr. Justice Clark who handed down two decisions friendly to Jehovah's Witnesses conscientious objectors in 1955 *(Sicurella* and another *Gonzales)* here ruled against them, perhaps because at trial the appellant asked to see the original FBI reports, a point on which the Justice is sensitive.

In two other related cases, the four liberal dissenters won Mr. Justice Stewart to their side and reversed a rule of evidence which has been law since 1914. The rule was that while evidence obtained through unlawful search and seizure by Federal officers could not be used in a Federal prosecution, evidence illegally seized by State officers *could* be used in Federal courts if the seizure was made without the participation of Federal officers.

In the Rios and Elkins cases, Mr. Justice Stewart now holds that evidence obtained by State officials in violation of the Fourth amendment is equally inadmissible in Federal trials. "The Constitution is flouted equally in either case," Mr. Justice Stewart declared in *Elkins.* "To the victim it matters not whether his constitutional right has been invaded by a Federal agent or by a State officer."

Some Ironic Angles

For *aficianadoes* of the Supreme Court, some fine points of irony may be noted. One is that while Mr. Justice Frankfurter dissenting (with Clark, Harlan, and Whittaker) invoked the hallowed names of Holmes and Brandeis who had joined in the earlier rulings allowing admission of illegally seized State evidence, the new liberal majority upheld a view advanced by Mr. Justice Prettyman in the Court of Appeals for the District of Columbia, no civil libertarian.

Mr. Justice Prettyman had ruled that the earlier line of cases, which began with *Weeks,* when taken in consideration with the newer case of *Wolf v. Colorado,* "make all evidence obtained by unconstitutional search and seizure unacceptable in Federal courts." The final irony is that the Wolf decision in 1949 was written by Mr. Justice Frankfurter. This held that the Federal Constitution, by virtue of the Fourteenth amendment, also prohibits unreasonable search and seizure by State officers.

Mr. Justice Frankfurter in his dissent last Monday suggested a compromise whereby evidence illegally seized by State officers would be inadmissible in Federal courts if they were officers of States which exclude such evidence; about half of them do. The other dissenters, however, did not agree with him. The new rule seems to us better law since the older rule invited collusion between Federal and State officers to circumvent constitutional guarantees.

Intelligence Trade Item

Mr. Jules SOURWINE [committee counsel]: What is the attitude of the Polish intelligence services toward the use of Communist Party members in the U.S.?

Mr. Pawel MONAT [Polish intelligence officer who defected to the West]: The MA's [Military Attache's] office does not have any official contact with the Communist Party of the U.S. Furthermore, there are no special orders issued to Z-11 [Polish Military Intelligence] representatives here to use Party members as agents. There are two reasons for this policy: first, to avoid compromising the Communist Party; second, Z-11 feels that more than half of the CP-USA members are working with the FBI."

—Soviet Espionage Through Poland, Senate Internal Security Committee, exec. session, released June 24.

Footnote on Rockwell and Eichman

We believe the agitation in New York City against a speaking permit for the neo-Nazi Rockwell is disgraceful folly. It was not liberty which gave Hitler his chance in Germany, but lack of firm attachment to its principles. We who have enjoyed the blessings of growing up in a free country should have more pride in its traditions and more faith in our fellow countrymen than to run hysterically away from our beliefs because some crackpot is about to speak.

As for the monster Eichman, Argentina would have a better case if it came into court with cleaner hands. It has made no effort to find and punish the many Nazi criminals who have made Argentina their refuge. Mario Amadeo, its spokesman at the UN, is a man whom our government identified in a 1946 State Department booklet as a Nazi sympathizer and a "trusted agent" of the German security police. Argentine hypocrisy is so nauseating it obscures the real issues.

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Liberal Senators Afraid to Vote Against the Japanese Treaty

(Continued from Page One)

than to use them while we can as bargaining counters *because this might really ensure disarmament.*

Much to Learn from Ike's Trip

If negotiation resumes and world tension abates, as I still believe it will, how we disentangle ourselves from our bases will become a No. 1 problem of our foreign policy. It is here that the President's Far Eastern trip could prove instructive, though not in the inane moral he himself drew in that feeble TV speech Monday night, "We must not fall into the error of blaming ourselves for what the Communists do." The points which should not be overlooked is that (1) his warm welcome in the Philippines was due in part to anti-Japanese feeling, (2) the very real enthusiasm shown in Korea was a reflection of popular gratitude that there, as in Turkey, our military had *not* interfered against a popular revolution, (3) his unpleasant experience in Okinawa was due to Japanese nationalism on the island and (4) the trip to Japan had to be called off because the one issue on which Japan's Left commands support in all sectors of its people is the fear that U.S. bases may draw Japan into nuclear war. In Korea we won friendship by allowing the popular forces to have their way. A wise and principled democratic foreign policy similarly dictated that we should have postponed ratification until after a new election had shown whether the Japanese really want our bases or not.

From this vantage point the bleakest event of the past fortnight was the ratification of the Japanese treaty by a lopsided vote of 90 to 2, the two being Russell of Georgia and Long of Louisiana, who resented the provisions which make the treaty less onerous for the Japanese. Fulbright in presenting the treaty spoke of Japanese fears "that the war-renouncing article of the Japanese Constitution will eventually disappear in the face of a revived militarism." Morse made an able speech (see box on page 1) against the treaty. Gruening expressed misgivings and Humphrey said it would have been wiser to wait until after the elections. But these few thoughtful voices were drowned out by such nonsense as Keating's call for ratification to show "that we, at least, are not to be intimidated by Communist machinations," and none of the wiser Senators dared vote against the treaty lest they seem to be linked with Communist mobs in Tokyo. No one expected the lessons of the U-2 to have an impact on the incompetent Eisenhower, but the vote showed that he could make the Senate rubber stamp his mistakes.

What We Are Led to Forget

"Either we have got to resign ourselves to the inevitability of war, or we have got to get along somehow with the Soviet Union. . . . Suppose, Mr. President, that the U-2 incident had occurred the other way round. Suppose a Russian counterpart of the U-2 had come down over Kansas City on May 1. This event in itself, I dare say, would have brought speeches in the Senate powerful enough to rock the Capitol Dome with denunciations of the perfidy of the Soviets on the eve of the Summit Conference and with demands that the President not go to Paris."

—Fulbright on the U-2, U.S. Senate June 28.

The Pull of A Mindless Machine

The U-2 report by the Senate Foreign Relations Committee, weak as it was, yet lined up such Republicans as Hickenlooper, Aiken, Carlson and Williams in some criticism of Eisenhower quite remarkable in an election year. The magnificent speech in the Senate June 23 by Mansfield of Montana (see excerpts on page two) and the brilliant and statesmanlike address by Fulbright on June 28 showed how much further leading Democrats on the committee were prepared to go and how deeply they saw into the background of the U-2 affair. But though both saw the close link between the U-2 affair and the Japanese demonstrations, they too voted for ratification. It is as if the mechanisms of free government still operate enough to allow fairly adequate postmortems of mistakes after they are made, but not enough to prevent the chain reactions these mistakes set off. It is as if the sheer weight of the military machine is so powerful that we are all drawn along in its mindless wake, and those who really try to oppose it find themselves beyond the pale of practical politics.

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